

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD WAYNE WRIGHT, SR.,
AIS #187140,

Plaintiff,

v.

SYLVESTER NETTLES, et al.,

Defendants.

CIVIL ACTION NO. 2:05-CV-439-A

AFFIDAVIT

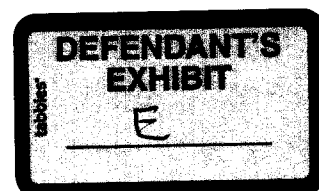
Before me, the undersigned authority, a Notary Public, in and for said County and State of Alabama at Large, personally appeared Larry Ligon, who being known to me, and being by me first duly sworn, deposes and says under oath as follows:

My name is Larry Ligon, and I am presently employed as a Correctional Officer II, with the Alabama Department of Corrections, Bullock County Correctional Facility, Post Office Box 5107, Union Springs, AL 36089. I am over twenty-one (21) years of age.

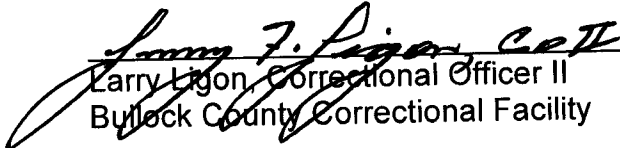
I, Sgt. Larry Ligon, did not conduct the Disciplinary Hearing on December 1, 2004, for DISC: #04-2484 (copy attached). The violation occurred on November 3, 2004. I was not a participant in the hearing, but was present only in a learning capacity.

I have also attached a copy of the Incident Report (BCCF: 04-2484) for this violation.

I have done no wrong to inmate Wright.



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Larry Ligon, Correctional Officer II
Bullock County Correctional Facility

STATE OF ALABAMA)

COUNTY OF BULLOCK)

SWORN TO AND SUBSCRIBED before me and given under my hand and official seal
on this the 12th day of September 2005.


NOTARY PUBLIC

My Commission Expires: 2/24/2009.

SEAL

DOC Form 225B (Revised 7/92)

DISC: #04-2484
BCCF: #04-2484ALABAMA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT

1. INMATE: Richard Wright CUSTODY MIN-9 AIS BM/187140
2. FACILITY: BULLOCK COUNTY CORRECTIONAL FACILITY
3. The above inmate is being charged by Officer Timothy Holmes with a violation of Rule Number 31 specifically Assault on Another Inmate from regulation # 403, which occurred on or about November 3, 20 04 at (time) 10:10 (am/pm), Location: Dormitory #20 - T.V. Area.
A hearing on this charge will be held after 24 hours from service.
4. Circumstances of the violation(s) are as follows: You, inmate Richard Wright, BM/187140, did admit to Lt. Gwendolyn Babers that you approached inmate Walton Solomon, WM/217565, while he was watching T.V. and began to fight him because you had not fought in a long time and were overdue for a fight.
5. Gwendolyn Babers, CSI
Timothy Holmes, COI
Arresting Officer/Signature/Rank
6. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate on this the 9 day of November, 20 04 at (time) 2:04 (am/pm).
7. Malvin Austin, COI Refused to Sign (Malvin Austin, COI)
Serving Officer/Signature/Rank Inmate's Signature/AIS Number
8. Witnesses desired? NO _____ YES _____
Inmate's Signature Inmate's Signature
9. If yes, list: _____
10. Hearing Date 12-1-04 TIME 1:30 AM PLACE Classification
11. Inmate must be present in Hearing Room. If he is not present explain in detail on additional page and attach.
12. A finding is made that inmate (is) is not) capable of representing himself.
13. Plea: Richard W Wright Not Guilty _____ Guilty _____
Signature/Hearing Officer
14. The Arresting Officer, inmate, and all witnesses were sworn to tell the truth.
Signature/Hearing Officer
15. Arresting Officer's testimony (at the hearing): I observed two (2) inmates fighting in Dorm #13. I escorted both inmates to the Lt.'s office. In the Lt.'s office, inmate Wright admitted to Lt. Gwendolyn Babers that he approached inmate Walter Solomon while he was watching t.v. and began to fight him, because he had not fought in a long time and was overdue for a fight.

16. Inmate's Testimony: See attached statement. Inmate Wright wanted his questions for Lt. Babers to be his statement.

Witness: N/A Substance of Testimony: _____

Witness: N/A Substance of Testimony: _____

Witness: N/A Substance of Testimony: _____

17. The inmate was allowed to submit written questions to all witnesses. Copy of questions and answers are attached.

[Signature]
Signature/Hearing Officer

18. The following witnesses were not called — Reason not called

1. N/A
2. _____
3. _____

19. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)
The Hearing Officer finds that: On 11/3/04, at approximately 10:10 p.m., in Dorm #20 T.V. area, inmate Richard Wright, BM/187140, did admit to Lt. Gwendolyn Babers that he approached inmate Walton Solomon, WM/217565, while he was watching t.v. and began to fight him, because he had not fought in a long time and was overdue for a fight.
20. Basis for Findings of Fact: The hearing officer find inmate Wright guilty based on the arresting officer's sworn testimony under oath.

21. Hearing Officer's Decision: X Guilty X Major
Not Guilty Minor

22. Recommendation of Hearing Officer: 30 days loss of store, visiting, phone use privileges, and confine to Segregation for 21 days (to run consecutively).

[Signature]
Signature/Hearing Officer

ROBERT WASHINGTON, COI

Type Name and Title

23. Warden's Action: 12-1-04
Approved [Signature]
Disapproved _____
Other (Specify) _____

24. Reason if more than 30 calendar days delay in action. _____

25. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named inmate on this 1 day of December 20 04, at (time) 11:58 (am/pm).

[Signature] CoI
Signature/Serving Officer/Title

[Signature]
Inmate's Signature/AS Number

ALABAMA DEPARTMENT OF CORRECTIONS
MENTAL HEALTH SERVICES
MENTAL HEALTH CONSULTATION TO DISCIPLINARY PROCESS

Inmate Name: Richard Wright AIS#: BM/187140
Institution: CCF Date of Disciplinary Report: Nov. 3, 2004

#31 Assault on Another Inmate
Is the inmate currently on the mental health caseload? Yes No
If Yes, referred for mental health evaluation/consultation on: November 8, 2004
Mental Health Outpatient

HEARING OFFICER:

Hearing officer must refer the inmate for mental health consultation if the inmate appears unable to understand what the charge is and what might happen as a result of the charge or the inmate appears unable to actively participate in the hearing as suggested by the following:

Does the inmate know where he is?
Is the inmate appropriately dressed?
Does the inmate make sense?

Does the inmate know what date it is? Does inmate know why he is seeing hearing officer?
Is inmate able to speak coherently? Does the inmate avoid eye contact?
Are the inmate's statements logical and organized or unusual?

Should the inmate be referred for mental health evaluation of competency? Yes No
-- IF Yes, referred for mental health evaluation/consultation on: _____

MENTAL HEALTH STAFF:

Date request for consult received: 11-9-04 Date consult returned: 11-9-04

Is the inmate competent to participate in the hearing?
If NO, why is the inmate not competent?

Yes No

If NO, what treatment will assist the inmate in becoming competent?

Are there mental health issues that may have impacted inmate's behavior at the time of the charge?
If YES, briefly describe the issues:

Yes No

Are there mental health issues to be considered regarding disposition if the inmate is found guilty?
If YES, briefly describe the issues and possible relation to the disposition:

Yes No

Does mental health staff want to be present at the disciplinary hearing to provide input?

Yes No

Mental Health Staff Member: Mike Hamme Phone Contact: 132

DISCIPLINARY HEARING:

Does the inmate appear to be competent to participate in the hearing?
Have the mental health recommendations been considered?

Yes No
Yes No

Hearing Officer: Kurt Walker Date: 11-30-04 12-1-04

Inmate Name: <u>Richard Wright</u>	AIS #: <u>187140</u>
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ALDOC Form 466-01

5 of 5

S was reviewed in the MH staff meeting and interviewed by me in the seg. unit. His thinking was clear. He was oriented to all spheres. He was able to explain his side of the incident. He can go to disciplinary court.
File: Mrs. Perry
Wright Hamme 411
Wright Hamme

AR 466 - December 11, 2001

ALABAMA DEPARTMENT OF CORRECTIONS
MENTAL HEALTH SERVICES
MENTAL HEALTH CONSULTATION TO DISCIPLINARY PROCESS

Inmate Name: Richard Wright AIS#: BM/187140
Institution: BCCF Date of Disciplinary Report: Nov. 3, 2004

#31 Assault on another inmate
Is the inmate currently on the mental health caseload? No
If Yes, referred for mental health evaluation/consultation on: November 8, 2004
Mental Health Outpatient

HEARING OFFICER:

Hearing officer must refer the inmate for mental health consultation if the inmate appears unable to understand what the charge is and what might happen as a result of the charge or the inmate appears unable to actively participate in the hearing as suggested by the following:

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Does the inmate know what date it is? Does inmate know why he is seeing hearing officer?
Is inmate able to speak coherently? Does the inmate avoid eye contact?
Are the inmate's statements logical and organized or unusual?

Should the inmate be referred for mental health evaluation of competency? Yes No
-- IF Yes, referred for mental health evaluation/consultation on: _____

MENTAL HEALTH STAFF:

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If NO, why is the inmate not competent?

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If YES, briefly describe the issues:

Yes No

Are there mental health issues to be considered regarding disposition if the inmate is found guilty?
If YES, briefly describe the issues and possible relation to the disposition:

Yes No

Does mental health staff want to be present at the disciplinary hearing to provide input?

Yes No

Mental Health Staff Member: Mike Hamme Phone Contact: 132

DISCIPLINARY HEARING:

Does the inmate appear to be competent to participate in the hearing?
Have the mental health recommendations been considered?

Yes No
Yes No

Hearing Officer: Robert Washington Date: 12-1-04

Inmate Name: <u>Richard Wright</u>	AIS #: <u>187140</u>
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ALDOC Form 466-01

5 of 5

5 was reviewed in the MH staff meeting and interviewed by me in the seg. unit. His thinking was clear. He was oriented in all spheres. He was able to explain his side of the incident. He can go to disciplinary court.
File: Mrs. Perry log: MTHM
Mike Hamme 411

AR 466 - December 11, 2001

Form 225-D

NOTICE OF RESCHEDULING
OF DISCIPLINARY HEARING

INMATE'S NAME

Richard Wright

AIS #

BM/187140

VIOLATION(s)

#31 Assault on Another Inmate

Notice is hereby given that your Disciplinary Hearing which was scheduled on Nov. 19, 2004 has been rescheduled for Nov. 23, 2004.

Reason for rescheduling:

Arresting Officer out on sick leave

INMATE'S SIGNATURE

Refused to Sign (B. Hampton)

SERVING OFFICER'S SIGNATURE

B. Hampton

INSTITUTIONAL INCIDENT REPORT

1. Institution: BULLOCK COUNTY CF	2. Date: 11-3-04	3. Time: 10:10 p.m.	4. Incident Number: BCCF: 04-2484
5. Location Where Incident Occurred: Dormitory #20 – Television Area		6. Type of Incident: Rule #31, Assault on Another Inmate	
7. Time Incident Reported: 10:12 a.m.		8. Who received Report: Lt. Gwendolyn Babers <i>Gwendolyn Babers, CSR</i>	
9. Victim:			
a. <u>Walton Solomon</u> (type full name)		No. <u>WM/217565</u>	
b. _____ (type full name)		No. _____	
10. Suspects:		11. Witnesses:	
a. <u>Richard Wright</u>	No. <u>BM/187140</u>	a. <u>N/A</u>	No. _____
b. _____	No. _____	b. _____	No. _____
c. _____	No. _____	c. _____	No. _____
d. _____	No. _____	d. _____	No. _____
e. _____	No. _____	e. _____	No. _____
f. _____	No. _____		
Physical Evidence:			
12. Type of Evidence: <u>N/A</u>			
13. Description of Evidence: <u>N/A</u>			
14. Chain of Evidence: <u>N/A</u>			
15. NARRATIVE SUMMARY: On 11/3/04, at approximately 10:10 p.m., while exiting Cubicle #4, retrieving equipment for duty, Officer Timothy Holmes observed two (2) inmates in Dorm #20 around the television area. Officer Holmes alerted the Cubicle Officer, Elizabeth Laseter, to call for Officer Paul Phillips, Dorms #22 and #23 Rover, and to lockdown. Officers Holmes and Phillips entered Dorm #20 and separated the two (2) inmates. At approximately 10:12 p.m., Lt. Gwendolyn Babers was notified of the incident. Officers Holmes and Phillips then escorted the two (2) inmates to the Shift Commander's office. At approximately 10:15 p.m., Lt. Babers and Sgt. Anthony Jackson reported to the Shift office. Lt. Babers questioned both inmates concerning the incident. The inmates were identified as Richard Wright, BM/187140, and Walton Solomon, WM/217565. Inmate Solomon stated that he was sitting on the bench watching the news and inmate Wright approached him and began swinging at him. Inmate Wright stated to Lt. Babers that he had not fought in a long time and tonight was his time because he was way overdue for a fight. At approximately 10:20 p.m., Sgt. Jackson handcuffed inmate Wright behind his back. Sgt. Jackson, Officer Eric			

Distribution: Original to I & I Division
Copy to Institutional File
Copy to Central Records

Annex A (page 1 of 2)
ADOC Form 601 Revised 4-6-99
AR 302 – April 6, 1999

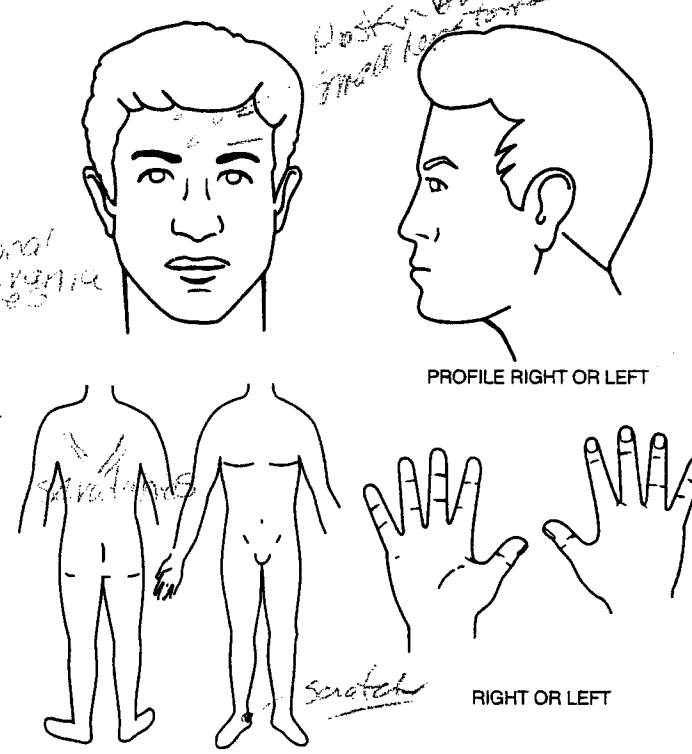
Institution: Bullock County CF		Incident Number: BCCF: 04-2484
Date: 11-3-04	Type of incident: Rule #31, Assault on Another Inmate	

PAGE 2

Williams and Lt. Babers escorted inmate Wright to the Infirmary for a body chart (see attached). Officer Holmes then escorted inmate Solomon to the Infirmary for a body chart. At approximately 10:20 p.m., Nurse Ed Meuleman examined inmate Wright (see attached body chart). At approximately 10:22 p.m., Nurse Martha Jackson examined inmate Solomon (see attached body chart). At approximately 10:30 p.m., inmate Solomon was released back to DOC officials and then to his assigned dorm. At approximately 10:38 p.m., Sgt. Jackson, Lt. Babers and Officer Holmes escorted inmate Wright from the Infirmary to Segregation where he was placed in Cell #8. At approximately 10:40 p.m., after questioning several other inmates in Dorm #20, it was revealed that inmate Wright had been acting strange, walking around in circles in the dorm. Lt. Babers informed inmate Wright that he would be receiving disciplinary action for violation of Rule #31, Assault on Another Inmate. Due to inmate Wright being a Mental Health Outpatient, a Mental Health Referral Form was completed on inmate Wright (see attached). An Unusual Incident Report was completed and faxed to Staton Communications (see attached). Due to no serious injuries occurring, Warden III Arnold Holt was notified at approximately 6:00 a.m. No further action was taken.

H.E. Babers CO51
for Timothy Holmes CO1
 Timothy Holmes, Correctional Officer I

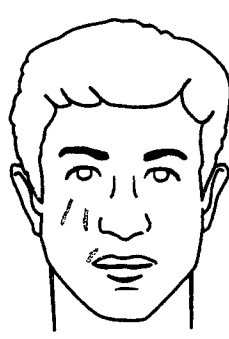
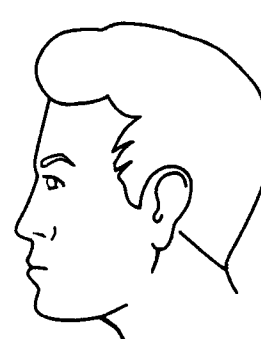
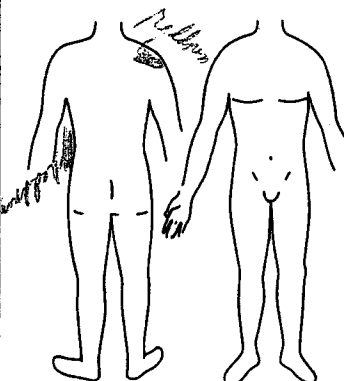
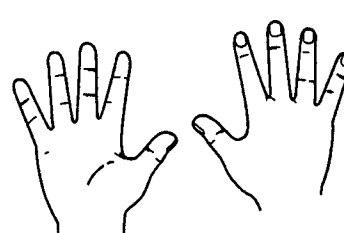
EMERGENCY

ADMISSION DATE 11/3/04 2230		TIME AM PM	ORIGINATING FACILITY SIR PDL ESCAPEE		SICK CALL EMERGENCY OUTPATIENT	
ALLERGIES NKA			CONDITION ON ADMISSION GOOD FAIR POOR SHOCK HEMORRHAGE COMA			
VITAL SIGNS: TEMP 100.9 ORAL RECTAL			RESP. 20 PULSE 20		B/P 44/94	RECHECK IF SYSTOLIC <100> 50
NATURE OF INJURY OR ILLNESS 5: "I was fighting I got a few bumps and bruises" nothing great O'Kend gave report of criminal ① 904 ② 2.5cm skin intact ③ 1.5cm skin intact ④ scratch 5 inches ⑤ 3.5 ⑥ 2 inches ⑦ 2.5 Broken skin 4 inches on elbow on back. El foot injured Derm. Mottled (all areas)			ABRASION /// CONTUSION # BURN xx xx FRACTURE Z Z LACERATION / SUTURES			
PHYSICAL EXAMINATION A: Body Chart per DOC P. Release to DOC						
DIAGNOSIS			ORDERS / MEDICATIONS / IV FLUIDS			
INSTRUCTIONS TO PATIENT			TIME BY			
DISCHARGE DATE 11/3/04 2230		TIME AM PM	RELEASE / TRANSFERRED TO DOC AMBU LANCE		CONDITION ON DISCHARGE SATISFACTORY FAIR POOR CRITICAL	
NURSE'S SIGNATURE S. Wealema RN		DATE 11/3/04	PHYSICIAN'S SIGNATURE		DATE	
INMATE NAME (LAST, FIRST, MIDDLE) Wright Richard		DOC# 187140		DOB 8/15/67		R/S B/m
						FAC. BCC



PRISON
HEALTH
SERVICES
INCORPORATED

EMERGENCY

ADMISSION DATE 11/13/04		TIME 1020 AM	ORIGINATING FACILITY Bureau		<input type="checkbox"/> SICK CALL <input type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT									
ALLERGIES NKA			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA											
VITAL SIGNS: TEMP 98°		ORAL RECTAL	RESP. 20	PULSE 86	B/P 130/90	RECHECK IF SYSTOLIC <100> 50								
NATURE OF INJURY OR ILLNESS S - Altercation 2 Brother Inmate			ABRASION ///	CONTUSION #	BURN xx xx	FRACTURE Z Z	LACERATION / SUTURES							
			<div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">PROFILE RIGHT OR LEFT</p> <div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">RIGHT OR LEFT</p>											
									PHYSICAL EXAMINATION			ORDERS / MEDICATIONS / IV FLUIDS		
A - left. Male Ambulatory to Hcn Alert + Oriented X3 Regns Regular And even skin w/o to touch redness to D side of face upper back and under D arm, no bleeding noted no swelling or bruises present A - Body Chart for Doc			R no Medical tx required, Released to Doc											
DIAGNOSIS 0			TIME											
INSTRUCTIONS TO PATIENT 0			BY											
DISCHARGE DATE 11/13/04		TIME 1030 AM	RELEASE / TRANSFERRED TO DOC		CONDITION ON DISCHARGE <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input type="checkbox"/> FAIR <input type="checkbox"/> CRITICAL									
NURSE'S SIGNATURE Metha Jackson		DATE	PHYSICIAN'S SIGNATURE		CONSULTATION									
INMATE NAME (LAST, FIRST, MIDDLE) Solomon Walt			DOC# 217565	DOB 102776	R/S W/M	FAC. Bureau								